

## SECTION 30: ADMINISTRATION

### Section 30.1: Determination As To Uses Not Listed

#### Section 30.1-1: Purpose and Initiation

In order to ensure that the zoning regulations will permit all similar Uses in each zone, the Director of Community Development, upon his/her own initiative or upon written request shall determine whether a Use not specifically listed as a permitted or conditional Use in any zone shall be deemed a permitted Use or a conditional Use in any one or more zones on the basis of similarity to Uses specifically listed. The determination of the Community Development Director shall be adopted through the Planning and Zoning Commission consent agenda. The Director of Community Development may request the determination be made directly by the Planning and Zoning Commission. The procedures of this Section shall not be substituted for the amendment procedure as a means of adding new Uses to the list of permitted or conditional uses.

#### Section 30.1-2: Request for Determination

Requests for determination of similar Uses shall be made in writing to the Director of Community Development and shall include a detailed description of the proposed Use and such other information as may be required by the Director to facilitate the determination.

#### Section 30.1-3: Investigation and Report

The Director of Community Development shall make such investigations of the request as necessary to compare the nature and characteristics of the proposed Use with those Uses specifically listed and shall make a report of his findings to the Planning and Zoning Commission.

#### Section 30.1-4: Determination

The determination of the Director of Community Development and/or the Planning and Zoning Commission shall be effective fifteen (15) days from the date of the decision unless an appeal is filed.

#### Section 30.1-5: Appeal to Board of Supervisors

A decision of the Planning and Zoning Commission may be appealed within fifteen (15) days to the Board of Supervisors by the applicant or any other person, as prescribed in Section 30.6 (Appeals: Board Review), or by any member of the Board of Supervisors without fee.

#### Section 30.1-6: Determination by Board of Supervisors

The Board of Supervisors shall make a determination as prescribed in Section 30.6-3 (Board Action on Appeal) if an appeal has been filed within the prescribed fifteen (15) day appeal period or upon the initiative of the Community Development staff. The decision of the Board shall be adopted as a resolution and shall be final.

**Revised: 7/89, 4/90, 3/02, 10/13**

## Section 30.2: Pre-Application Review

### Section 30.2-1: Purposes

The purpose of a pre-application review is to determine application requirements and familiarize the applicants with the review process and procedures, identify land use and development policies which may affect the development proposal and address potential problems as early in the process as possible.

### Section 30.2-2: Pre-Application Review Requirements

Pre-application reviews must occur within 6 months prior to the submittal of an application. The following applications are required to have a pre-application review prior to the submittal of an application, Conditional Use Permits, Zone Changes, Subdivisions, Design Review Overlay approval, Amendments, Medical Marijuana Facilities, Variances and Abandonments.

### Section 30.2-3: Request for Pre-Application Review

Applicants shall request a pre-application review unless waived by the Director. No formal applications are required. Applicants are strongly encouraged to develop a preliminary Site plan depicting property lines, locations of existing and proposed Structures, parking and landscaped areas, property constraints including significant topographic features or flood hazard areas to be utilized during review. A narrative report is also recommended detailing the specific request and potential operation.

### Section 30.2-4 Pre-Application Review Meeting

The Director shall maintain a pre-application meeting schedule. The pre-application meeting includes, but is not limited to, representatives planning, zoning, building, flood control, engineering, hydrology, and environmental services. Staff shall provide applicants with information on process requirements including, but not limited to, application submittal requirements, citizen participation plan and notification requirements, and background information or additional studies necessary to adequately assess a project. Whether or not a development proposal meets relevant ordinances and plan policies may be discussed, but final staff recommendation will not be made until a formal application is evaluated.

### Section 30.2-5 Pre-Application Review Waiver

The Director may waive the requirement for pre-application review upon formal request by the applicant.

**Revised: 10/13**

## Section 30.3: Citizen Participation

### Section 30.3-1: Purposes

In order to maximize the opportunity for citizen involvement in the rezoning and conditional use permit processes that are described in the following sections, and to resolve any neighborhood issues at an early stage in the process, the following requirements shall be included in the citizen participation process.

### Section 30.3-2: Citizen Participation Plan

- A. Every zone change and conditional Use permit application shall include a citizen participation plan that must be completed prior to the submittal of an application.
- B. The purpose of the citizen participation plan is to achieve the following:
  - 1. Ensure that applicants pursue early and effective citizen participation in conjunction with their applications, giving them the opportunity to understand and try to mitigate any real or perceived impacts their application may have on the community or on the neighborhood;
  - 2. Ensure that the citizens and property owners of Coconino County have an adequate opportunity to learn about applications that may affect them and to work with applicants to resolve concerns at an early stage of the process; and
  - 3. Facilitate ongoing communication between the applicant, interested citizens and property owners, County staff, and elected officials throughout the application review process.
- C. The citizen participation plan is not intended to produce complete consensus on all applications, but to encourage applicants to be good neighbors and to allow for informed decision making.
- D. At a minimum, the citizen participation plan shall include the following:
  - 1. Which residents, property owners, interested parties and public and private agencies may be affected by the application;
  - 2. How those interested in and potentially affected by an application will be notified that an application has been made;
  - 3. How those interested and potentially affected parties will be informed of the substance of the zone change, amendment, or development proposed by the application;
  - 4. How those interested and affected parties will be provided an opportunity to discuss the applicant's proposal with the applicant and express any concerns, issues, or problems they may have with the proposal in advance of the public hearing;
  - 5. The applicant's schedule for completion of the citizen participation plan; and
  - 6. How the applicant will keep the County Community Development Department informed on the status of citizen participation efforts.
- E. Within six (6) months of submitting an application for a zone change or a conditional Use permit applicants must conduct a neighborhood community meeting.
  - 1. The meeting must be conducted in the general vicinity of the property involved in the application, subject to the approval of the Director. The meeting serves as a forum for information exchange between applicants and affected members of the public.

**Revised: 4/01, 3/02, 10/13**

### Section 30.3-2: Citizen Participation Plan (Continued)

2. Affected members of the public shall be noticed in writing of a neighborhood community meeting not less than 10 days or more than 21 days prior to the meeting.
  3. An applicant may make a written request and receive a written determination whether; due to impractical circumstances, such as a site surrounded by federal lands, the requirement for a community meeting may be waived by the Director. At a minimum the request must explain why the applicant's citizen participation plan provides other adequate, alternative opportunities for citizens to express any concerns, problems or issues they may have with the proposal in advance of the public hearing. The Director shall make their determination a part of the written record in the case.
- F. The level of citizen interest and area of involvement will vary depending on the nature of the application and the location of the Site. The target area for notification will be determined after consultation with Department of Community Development staff. At a minimum, the target area shall include the following per A.R.S. § 11-814:
1. Property owners within the 300 foot public hearing notice area required or further as required by other sections of this Ordinance;
  2. The head of any property owners' association within the notice area required by other sections of this Ordinance; and
  3. Other potentially affected property owners outside of the legal notice area as determined by Community Development Department staff; and
  4. Other interested parties who have requested that they be placed on a list of interested parties maintained by the Community Development Department.
- G. These requirements apply in addition to any notice provisions required elsewhere in this Ordinance.
- H. The applicant may not submit a citizen participation plan until after a pre-application review meeting and consultation with Community Development Department staff.

### Section 30.3-3: Citizen Participation Report

- A. This section applies only when a citizen participation plan is required by this Ordinance.
- B. The applicant shall provide a written report on the results of their citizen participation effort prior to the notice of public hearing. This report shall be attached to the staff report submitted to the Planning and Zoning Commission.
- C. At a minimum, the citizen participation report shall include the following information:
1. Details of the techniques the applicant used to involve the public, including:
    - a. Dates and locations of all meetings where citizens were invited to discuss the applicant's proposal;

**Revised: 4/01, 3/02, 10/13**

Section 30.3-3: Citizen Participation Report (Continued)

- b. Content, dates mailed, and numbers of mailings, including letters, meeting notices, newsletters and other publications;
  - c. Where residents, property owners, and interested parties receiving notices, newsletters, or other written materials are located; and
  - d. The number of people that participated in the process.
  - e. The percentage of those notified that participated in the process.
2. A summary of concerns, issues, and problems expressed during the process, including:
- a. The substance of the concerns, issues, and problems;
  - b. How the applicant has addressed or intends to address concerns, issues and problems expressed during the process; and
  - c. Concerns, issues and problems the applicant is unwilling or unable to address and why.

## Section 30.4: Conditional Uses

### Section 30.4-1: Purposes

In order to give the Use regulations the flexibility necessary to achieve the objectives of this Section, in certain zones conditional Uses are permitted, subject to the granting of a Conditional Use Permit. Because of their unusual characteristics, conditional Uses require special consideration so that they may be located properly with respect to the objectives of the zoning regulations and their effects on surrounding properties. In order to achieve these purposes, the Planning and Zoning Commission is empowered to grant and to deny applications for Use permits for such Conditional Uses in such zones as are prescribed in the zone regulations and to impose reasonable conditions upon the granting of conditional use permits, subject to the right of appeal to the Board of Supervisors.

### Section 30.4-2: Conditional Use Permit Application Requirements

- A. The following information shall be submitted when applying for a Conditional Use Permit. The Director of Community Development may require additional information or plans, if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of a Conditional Use Permit exist. The Director of Community Development may authorize omission of any or all of the plans and drawings required by this Section if they are not necessary.
1. A completed Coconino County Conditional Use Permit application form including, name and address of the applicant, name of contact person, phone number, fax number and email address, Assessor's Parcel Number, subdivision/unit/lot, site address/location, existing zoning, existing land use, lot size, permit request description, pre-application meeting, and property owner's authorization by their signature.
  2. A completed citizen participation plan in accordance with Section 30.3.
  3. A typewritten narrative describing the request and the precise manner of compliance with each of the applicable provisions of this Section, together with any other data pertinent to the findings prerequisite to the granting of a Conditional Use Permit, prescribed in Section 30.4-7.
  4. Documentation shall be provided in a written description as well with supplemental data to show compliance with the Coconino County Comprehensive Plan.
  5. A list of all owners of property located within three hundred feet (300') of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.
  6. Fifteen (15) copies of a site plan drawn to scale using accurate dimensions showing property boundaries; existing and proposed improvements and Uses; locations of driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking areas including ingress and egress, traffic flow, and Easements.
  7. A copy of all recorded Easements applicable to the request.

**Revised: 7/89, 4/01, 3/02, 10/13**

#### Section 30.4-2: Conditional Use Permit Application Requirements (Continued)

8. Fifteen (15) copies of a landscape plan detailing the locations of existing vegetation (both to be retained and to be removed), the location and design of landscaped areas, the number, varieties and sizes of proposed plant materials and other landscape features including sprinkler and irrigation systems as required by Section 28: Landscaping.
9. Fifteen (15) copies of architectural drawings including floor plans in sufficient detail to determine setback and parking requirements and elevations of all proposed structures as they will appear upon completion. All exterior surfacing materials and colors shall be specified. Color renderings or paint and material samples are required.
10. Signage plan detailing all existing and proposed Signs, including their location, size, materials, color and method of illumination as required by Section 26: Signs.
11. Lighting plan including location of all outdoor lighting fixtures and description of each (i.e. Lamp Type, Lumen output, Shielding) as required by Section 27: Lighting.
12. Plans and/or a preliminary report describing the proposed provisions for storm drainage, sewage disposal and such other public improvements and utilities as the Director may require in order to give a full evaluation of the project.
13. The application shall be accompanied by a fee established by resolution of the Board of Supervisors to cover to cost of handling the application as prescribed in this Section.

#### Section 30-4.3: Conditional Use Permit Review Timeframes

- A. Administrative completeness pursuant to A.R.S. § 11-1605 shall be determined within 60 calendar days of the submittal of a Conditional Use Permit application. Applicants will be notified in writing of an incomplete application with a list of deficiencies. Notice in writing of application deficiencies shall suspend the administrative completeness timeframe until such time as all deficiencies have been addressed.
- B. Substantive review of all Conditional Use Permit applications shall be completed within 120 calendar days from the determination that the Conditional Use Permit is administratively complete. One written request for additional information may be made to the applicant during this review process. To accommodate changing conditions or plans, the applicant may agree to respond to additional requests for information. The substantive review includes investigation and report on the case. The substantive review timeframe is suspended during the public hearing process. The public hearing process begins at the posting of the case and is complete upon mailing of the Conditional Use permit resolution per A.R.S § 11-1605 (c)(8)(c).
- C. The total time for the granting or denying of the Conditional Use Permit approval is 180 days.
- D. Timeframes are tolled and may be extended in accordance with A.R.S. §11-1601 et seq.

#### Section 30.4-4: Investigation and Report

The Director of Community Development shall make an investigation of the application and shall prepare a report thereon which shall be submitted to the Planning and Zoning Commission and made available to the applicant prior to the public hearing.

#### Section 30.4-5: Public Hearing

The Planning and Zoning Commission shall hold at least one public hearing on each application for a conditional use permit. The hearing shall be set and notice given as prescribed in Section 30.5 (Public Hearing Time and Notice). At the public hearing, the Commission shall review the application and drawings submitted therewith and shall receive pertinent evidence concerning the proposed Use and the proposed conditions under which Use would be operated or maintained, particularly with respect to the findings prescribed in Section 30.4-7.

#### Section 30.4-6: Action of the Planning and Zoning Commission

Within forty (40) days following the closing of the public hearing on a Conditional Use Permit application, the Planning and Zoning Commission shall act on the application. The Commission may grant, by resolution, a Conditional Use Permit as the permit was applied for or in modified form, or the application may be denied. A Conditional Use Permit may be revocable, may be granted for a limited time period, or may be granted subject to such conditions as the Commission may prescribe. Conditions may include, but shall not be limited to, drainage, sewage, water and other utility requirements, requiring special yards, open spaces, buffers, fences and walls; requiring installation and maintenance of landscaping; requiring street dedications and improvements; regulation of points of vehicular ingress and egress; regulation of traffic circulation; regulation of signs; regulation of hours of operation and methods of operating; control of potential nuisances; prescribing standards for maintenance of buildings and grounds; prescription of development schedules and development standards; and such other conditions as the Commission may deem necessary to insure compatibility of the Use with surrounding developments and Uses and to preserve the public health, safety and welfare. The Commission may grant waivers from the Zoning Ordinance in conjunction with the approval of a Conditional Use Permit for such property development standards and performance standards as: fences, walls, screening and landscaping; site area; width and depth; front, rear and side setbacks; lot coverage; height of structures; distance between Structures; usable open space; signs; off-street parking facilities or parking lot standards; or frontage on a public street.

#### Section 30.4-7: Findings

The Planning and Zoning Commission shall make the following findings before granting a Conditional Use Permit:

- A. That the proposed location of the Conditional Use is in accord with the objectives of this Ordinance and the purpose of the Zone in which the site is located.
- B. That the proposed location of the Conditional Use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

**Revised: 7/89, 4/01, 3/02, 10/13**



#### Section 30.4-6: Action of the Planning and Zoning Commission (Continued)

- C. That the proposed Conditional Use will comply with each of the applicable provisions of this Ordinance, except for approved variances.
- D. That the proposed Conditional Use is consistent with and conforms to the goals, objectives and policies of the Comprehensive Plan or Specific Plan for the area.

#### Section 30.4-8: Effective Date of the Use Permit

The decision of the Planning and Zoning Commission shall be effective fifteen (15) days at the close of business from the date of the decision and upon receipt by the Department of Community Development of a signed agreement to the conditions of approval, unless prior to the expiration of said fifteen (15) day period an appeal has been filed with the Board of Supervisors.

#### Section 30.4-9: Appeal to Board of Supervisors

A decision of the Planning and Zoning Commission may be appealed within fifteen (15) days to the Board of Supervisors by the applicant or any other person as prescribed in Section 30.7 (Appeals: Board Review); or by appeal of an individual member of the Board without fee.

#### Section 30.4-10: Determination by the Board of Supervisors

The Board of Supervisors shall hold a public hearing on a Conditional Use Permit as prescribed in Section 30.7-3 if an appeal has been filed within the prescribed fifteen (15) day appeal period. The decision of the Board shall be final.

#### Section 30.4-11: Lapse of Conditional Use Permit

- A. A Conditional Use Permit associated with construction shall lapse and shall become void one year following the date on which the Conditional Use Permit became effective, unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application, or a Certificate of Occupancy is issued for the structure which was the subject of the Use permit application, or the site is occupied if no building permit or Certificate of Occupancy is required, unless a longer time frame is approved by the Planning and Zoning Commission. A request for extension may be submitted to the Planning & Zoning Commission which will be evaluated based on current circumstances including, but not limited to, percentage of project completed, estimated completion date, surrounding land use and citizen input.
- B. A Conditional Use Permit shall also lapse if the use for which the permit is approved is terminated for a period of two (2) years. Recommencement of the Use after the two (2) year period of inactivity shall require filing a new application following the requirements and processes specified in Sections 30.3-2 through 30.3-10.

#### Section 30.4-12: Renewal of Conditional Uses

- A. A Conditional Use Permit subject to expiration may be renewed, provided that prior to the expiration date, an application for renewal of the use permit is filed with the Commission.
- B. The Planning and Zoning Commission may grant or deny an application for renewal of a Conditional Use Permit subject to the modification of existing conditions of approval and/or the addition of new conditions of approval. A primary consideration of renewal is compliance with the original conditions of approval.

#### Section 30.4-13: Non-Conforming-Conditional Uses (See Section 29)

#### Section 30.4-14: Modification of Conditional Use

Sections 30.4-2 through 30.4-12 shall apply to an application for modification, expansion, or other change in a conditional use, provided that minor revisions or modifications may be approved by the Director of Community Development if he determines that the changes would not affect the findings prescribed in Section 30.4-7 (Findings).

#### Section 30.4-15: Revocation

Failure to comply with any of the conditions of approval is a violation of the Zoning Ordinance and may result in the revocation of a Conditional Use Permit. Revocation shall require a public hearing before the Planning & Zoning Commission in accordance with public notice criteria. The Planning and Zoning Commission shall hold a public hearing within ninety (90) days of sending notice to both applicant and property owner, in accordance with the procedure prescribed in Section 30.4-5 (Public Hearing) and 30.6. If not satisfied that the regulation, general provisions, or conditions are being complied with, the Commission may revoke the Conditional Use Permit or take such action as may be necessary to ensure compliance with the regulation, general provisions, or conditions. The decision may include time frames for ensuring compliance or decommissioning the project unless an appeal has been filed within the prescribed fifteen (15) day appeal period, in which case Section 30.7-3 (Board Action on Appeal) shall apply.

#### Section 30.4-16: New Applications

Following the denial of a Conditional Use Permit application or the revocation of a Conditional Use Permit, no application for a Conditional Use Permit for the same or substantially the same Conditional Use on the site shall be filed within one (1) year from the date of denial or revocation of the Conditional Use Permit.

#### Section 30.4-17: Conditional Use Permit to Run with the Land

A Conditional Use Permit granted pursuant to the provisions of this Section shall run with the land and shall continue to be valid upon a change in ownership of the site or structure which was the subject of the use permit application.

#### Section 30.4-18: Use Permit and Change of Zone Filed Concurrently

Application for a Conditional Use Permit may be made at the same time as an application for a change in zone boundaries including the same property, in which case the Planning and Zoning Commission shall hold the public hearing on the zoning reclassification and the Conditional Use Permit at the same meeting and may combine the required hearings. For the purposes of this Section, the date of the Commission decision on the Conditional Use Permit application shall be deemed to be the same as the date of enactment by the Board of Supervisors of an ordinance changing the zone boundaries, provided that if the Board modifies a recommendation of the Commission on a zoning reclassification, the Conditional Use Permit application shall be reconsidered by the Commission in the same manner as a new application.

## Section 30.5: Amendments

### Section 30.5-1: Purpose

The zoning map and zoning regulations may be amended by changing the boundaries of any zone or by changing any zone regulation or any other provision of this Ordinance in accord with the procedure prescribed in this Section.

### Section 30.5-2: Initiation

- A. A change in the boundaries of any zone may be initiated by a property owner or authorized agent of a property owner by filing an application for a change in zone boundaries as prescribed in this Section.
- B. A change in the boundaries of any zone or change in the regulations may be initiated by the Planning and Zoning Commission or the Board of Supervisors.

### Section 30.5-3: Conformity with Comprehensive Plan

An application for a change in zone classification which does not conform to the land use designation as identified in the Comprehensive Plan shall not be processed until an amendment to the Comprehensive Plan has been filed, as prescribed in Section 31.2 (Amendments to Comprehensive Plan).

### Section 30.5-4: Amendment Application Requirements:

- A. The following information shall be submitted when applying for an Amendment to change the boundaries of any zone. The Director of Community Development may require additional information or plans, if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of an Amendment exist. The Director of Community Development may authorize omission of any or all of the plans and drawings required by this Section if they are not necessary.
  - 1. A completed Coconino County Zone Change application form including name and address of the applicant, name of contact person, phone number, fax number and email address, Assessor's Parcel Number, subdivision/unit/lot, site address/location, existing zoning, existing land use, parcel size, proposed zoning, description of the request, pre-application meeting date, and property owner's authorization by their signature.
  - 2. A completed citizen participation plan in accordance with Section 30.3.
  - 3. A typewritten narrative describing the request and the precise manner of compliance with each of the applicable provisions of this Section, together with any other data pertinent to the findings prerequisite to the granting of an amendment, prescribed in Section 30.5.9.
  - 4. Documentation shall be provided in a written description as well with supplemental data to show compliance with the Coconino County Comprehensive Plan.

**Revised: 10/13**

#### Section 30.5-4: Amendment Application Requirements: (Continued)

5. Thirty (30) copies and one (1) digital copy of a site plan drawn to scale using accurate dimensions showing the surrounding areas, existing streets and property lines for a distance determined by the Director of Community Development to be necessary to illustrate the relationship to and impact on the surrounding area. The site plan shall include existing and proposed improvements and use, locations of driveways, pedestrian walks, landscaped areas, fences, walls, off-street parking areas including ingress and egress, traffic flow, and Easements. The Director may authorize omission of the map required by this Section if it is not necessary.
  6. A copy of all recorded Easements applicable to the request.
  7. The Director of Community Development may require additional information or maps as are required for a Conditional Use Permit application if they are necessary to enable the Commission to determine whether the change is consistent with the objectives of this Ordinance.
  8. A list of all owners of properties located within 300 feet of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.
  9. The application shall be accompanied by a fee established by resolution of the Board of Supervisors to cover the cost of processing the application as prescribed in this Section.
- B. The following information shall be submitted when applying for an Amendment to change any Zoning Ordinance regulation:
1. A completed Coconino County Plan/Ordinance Amendment application form including name and address of the applicant, name of contact person, phone number, fax number and email address, description of the request, and pre-application meeting date.
  2. A typewritten narrative describing the request and the precise manner of compliance with each of the applicable provisions of this Section, together with any other data pertinent to the findings prerequisite to the granting of an amendment, prescribed in Section 30.5.9.
  3. Documentation shall be provided in a written description as well with supplemental data to show compliance with the Coconino County Comprehensive Plan.
  4. A citation of the specific section(s) of the applicable Ordinance to be amended and specific language proposed.
  5. The application shall be accompanied by a fee established by resolution of the Board of Supervisors to cover the cost of processing the application as prescribed in this Section.

#### Section 30.5-5: Investigation and Report

The Director of Community Development shall make an investigation of the application or proposal and shall prepare a report thereon which shall be submitted to the Planning and Zoning Commission and to the applicant prior to the public hearing.

**Revised: 10/86, 7/89, 4/90, 9/93, 3/02, 10/13**

### Section 30.5-6: Public Hearing

The Planning and Zoning Commission shall hold at least one public hearing on each application for a change in zone boundaries or for a change of the zoning regulations. The hearing shall be set and notice given as prescribed in Section 30.6 (Public Hearing Time and Notice).

### Section 30.5-7: Public Hearing Procedure

At the public hearing, the Planning and Zoning Commission shall review the application or the proposal and may receive pertinent evidence as to why or how the proposed change is consistent with the objectives of this Ordinance, the Comprehensive Plan and the development policies of the County.

### Section 30.5-8: Action by the Planning and Zoning Commission

Within forty (40) days following the closing of the public hearing, the Planning and Zoning Commission shall make a decision based on the following findings:

1. That the change is consistent with the goals, objectives and policies of the Comprehensive Plan and this Ordinance.
2. That the change is in the interest of or will further the public health, safety, comfort, convenience and welfare.
3. That the change will not adversely affect the established character of the surrounding neighborhood nor be detrimental to adjacent properties.

Based on these findings, the Commission shall recommend that the application be approved, approved in modified form, or denied. The Commission may waive Ordinance requirements pursuant to §30.3-6 at the time of approval of the application. Said recommendation shall be transmitted to the Board of Supervisors for final hearing and disposition.

### Section 30.5-9: Action by the Board of Supervisors

If the Planning & Zoning Commission has held a public hearing, the Board of Supervisors may adopt the recommendations of the commission through use of a consent calendar without holding a second public hearing if there is no objection, request for public hearing or other protest. If there is an objection the Board of Supervisors shall hold at least one public hearing on an application or a proposal within ninety (90) days after the Planning and Zoning Commission hearing. The hearing shall be set and notice given as prescribed in Section 30.6 (Public Hearing Time and Notice). Within forty (40) days following the closing of a public hearing, the Board shall make a decision based on the findings required by Section 30.5-9.

- A. If the Board finds that the change is consistent with the findings required by Section 30.5-9, it shall approve an ordinance amending the zoning map or zoning regulations, whichever is appropriate.

#### Section 30.5-9: Action by the Board of Supervisors (Continued)

- B. The Board may modify a decision of the Planning and Zoning Commission recommending the granting of an application or adoption of a proposal, the Board may also waive Ordinance requirements set out in §30.4-6. However, prior to making a final decision on the amendment or proposal, the Board may, but shall not be required to, submit any or all modifications to the Commission for reconsideration at a public meeting. The Commission may, but is not required to, provide supplemental comments on the modifications to the Board. The Board may consider any supplemental comments from the Commission before making the findings required by Section 30.5-9 and rendering a final decision. Failure of the Commission to report within 30 days after receipt of the Board request shall be deemed concurrency.
- C. If the Board finds that the change is not consistent with the findings required by Section 30.5-9, it shall deny the application or reject the proposal.

In accordance with A.R.S. § 11-829, if twenty percent (20%) of the owners of property by area and number within the zoning area (for the purpose of this Section “zoning area” means the area within three hundred feet of the proposed amendment or change) file a protest to the proposed change, the change shall not be made except by a three-fourths vote of all members of the Board. If any members of the Board are unable to vote on the question because of a conflict of interest, the required number of votes for the passage of the question is three-fourths of the remaining membership of the Board, except that the required number of votes in no event shall be less than a majority of the full membership of the Board. In calculating the owners by area, only that portion of a lot or parcel of record situated within three hundred feet of the property to be rezoned shall be included. In calculating the owners by number or area, County property and public Rights-of-Way shall not be included.

#### Section 30.5-10: New Application

Following the denial of an application for change in zone boundaries or a change in the zoning regulations, an application or request for the same or substantially the same change on the same or substantially same property shall not be filed within one year of the date of denial.

#### Section 30.5-11: Conditional Zoning

The Board may approve a change of zone conditioned on a schedule for development of the specific Use or Uses for which the rezoning is requested. If at the expiration of this period the property has not been improved for the Use for which it was conditionally approved, the Board after notification by registered mail to the owner and applicant who requested the rezoning, shall schedule a public hearing to grant an extension, determine compliance with the schedule for development, or cause the property to revert to its former zoning classification.

#### Section 30.5-12: Change of Zone Accompanied by a Subdivision Plat

When a zone change request is accompanied by a preliminary subdivision plat, the change of zoning shall not vest or become effective until recordation of a final plat.

**Revised: 10/86, 7/89, 8/90, 9/93, 6/00, 3/02, 10/13**

### Section 30.6: Public Hearing Time and Notice

The Director of Community Development shall set the time and place of public hearings required by this Ordinance to be held by the Planning and Zoning Commission or Board of Adjustment, provided that the Commission or Board may change the time or place of a hearing with 24 hours advance notice. However, the Planning and Zoning Commission or Board of Adjustment shall hold a public hearing within seventy-five (75) days after a complete application has been filed unless extended at the request of the applicant.

The Clerk of the Board shall set the time and place of public hearings required by this Ordinance to be held by the Board of Supervisors, provided that the Board may change the time or place of a hearing with 24 hours advance notice. The Board of Supervisors shall hold a public hearing on a rezoning request, or an amendment approved by the Commission not less than sixty (60) days after notice of such decision or appeal has been filed with the Clerk of the Board unless the applicant or appellant shall consent to an extension of time. Notice of a public hearing shall be given not less than 15 days nor more than 30 days prior to the date of the hearing by publication in a newspaper of general circulation. When the hearing concerns a matter other than an amendment to the text of this Ordinance, the property shall be posted at least 15 days prior to the hearing. Notices of public hearings before the Planning and Zoning Commission, Board of Adjustment, or Board of Supervisors shall be mailed to all persons whose names appear on the latest adopted tax roll of Coconino County as owning property within 300 feet of the exterior boundaries of the property that is the subject of the hearing.

**Revised: 10/86, 7/89, 4/90, 3/02, 8/10, 10/13**



## Section 30.7: Appeals: Board Review

### Section 30.7-1: Appeal of Decision of Planning and Zoning Commission

Where this Ordinance provides for appeal to the Board of Supervisors of an administrative decision of the Planning and Zoning Commission, the appeal shall be made within fifteen (15) days of the date of the decision by filing a letter of appeal with the Director of Community Development. The appeal shall state in writing the grounds for the appeal including specific conditions of concern if applicable.

### Section 30.7-3: Board Action on Appeal

The Board of Supervisors shall hold at least one public hearing on a decision of the Director or Planning and Zoning Commission which has been appealed. The hearing shall be held within ninety (90) days from the filing of the appeal unless an extension is requested by the applicant; the time and place of the hearing shall be set by notice given as prescribed in Section 30.6. The Board shall render a decision on an appeal within forty (40) days following the closing of the public hearing on the appeal unless an extension is requested by the applicant. Failure of the Board to act within the time period prescribed by this Section shall be deemed approval of the Planning and Zoning Commission action. The Board shall review appeals de novo. The Board may affirm, reverse or modify a decision of the Planning and Zoning Commission. The decision of the Board of Supervisors shall be final.

## Section 30.8: Variances

### Section 30.8-1: Purposes and Authorization

- A. Variances from the terms of the Zoning Ordinance shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the Zoning Ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification. Any Variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which such property is situated.
- B. The power to grant Variances does not extend to Use regulations. Flexibility to the zoning regulations is provided in the Conditional Use provisions of this Ordinance.
- C. The Board of Adjustment may grant Variances to the regulations prescribed by this Section, in accord with the procedure prescribed in this Section, with respect to fences, walls, hedges, screening, and landscaping; site area, width, and depth; front, rear, and side yards; coverage, height of structures; distances between structures; usable open space; signs, off-street parking facilities, or frontage on a public street.

### Section 30.8-2: Variance Application Requirements:

- A. The following information shall be submitted when applying for a Variance. The Director of Community Development may require additional information or plans, if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of a Variance exist. The Director of Community Development may authorize omission of any or all of the plans and drawings required by this Section if they are not necessary.
  - 1. A completed Coconino County Variance application form including name and address of the applicant, name of contact person, phone number, fax number and email address, Assessor's Parcel Number, Subdivision/unit/lot, site address/location, zoning, existing land use, lot size, variance request description, and property owner's authorization by their signature.
  - 2. A typewritten narrative describing the precise nature of the Variance requested and the practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning regulations that would result from a strict or literal interpretation and enforcement of the specified regulations, together with any other data pertinent to the findings prerequisite to the granting of a Variance, prescribed in Section 30.8-7 (Findings).
  - 3. Seven (7) copies of a site plan drawn to scale using accurate dimensions showing property boundaries and any adjacent property affected, the contours at intervals of not more than two feet (2'), and all existing and proposed locations of streets, property lines, uses, structures, driveways, pedestrian walks, off- street parking facilities, Easements and landscaped areas.
  - 4. A copy of all recorded Easements applicable to the request.

**Revised: 10/86, 7/89, 4/90, 4/01, 3/02, 10/13**

#### Section 30.8-2: Variance Application Requirements: (Continued)

5. A list of all owners of property located within three hundred feet (300') of the exterior boundaries of the subject property; the list shall be keyed to a map showing the location of these properties.
6. The Director of Community Development may require additional information or plans, if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of a Variance exist. The Director of Community Development may authorize omission of any or all of the plans and drawings required by this Section if they are not necessary.
7. A survey completed by an Arizona registrant of the property subject to the request.
8. The application shall be accompanied by a fee established by resolution of the Board of Supervisors to cover the cost of handling the application as prescribed in this Section. A single application may include requests for variances from more than one regulation applicable to the same site, or for similar variances on two or more adjacent sites with similar characteristics.

#### Section 30.8-3: Variance Review Timeframes

- A. Administrative completeness pursuant to ARS § 11-1605 shall be determined within 60 calendar days of the submittal of a Variance application. Applicants will be notified in writing of an incomplete application with a list of deficiencies. Notice in writing of application deficiencies shall suspend the administrative completeness timeframe until such time as all deficiencies have been addressed.
- B. Substantive review of all Variance applications shall be completed within 120 calendar days from the determination that the Variance application is administratively complete. One written request for additional information may be made to the applicant during this review process, unless the applicant agrees to respond to additional requests for information. The substantive review includes investigation and report on the case. The substantive review timeframe is suspended during the public hearing process. The public hearing process begins at the posting of the case and is complete upon mailing of the conditional use permit resolution per A.R.S § 11-1605 (c)(8)(c).
- C. The total time for the granting or denying of the Variance is 180 days.
- D. Timeframes are tolled and may be extended in accordance with A.R.S. § 11-1601 et seq.

#### Section 30.8-4: Investigation and Report

The Director of Community Development shall make an investigation of each application that is the subject of a public hearing and shall prepare a report thereon which shall be submitted to the Board of Adjustment and made available to the applicant prior to the public hearing.

#### Section 30.8-5: Public Hearing

The Board of Adjustment shall hold a public hearing on an application for a Variance. The hearing shall be set and notice given as prescribed in Section 30.6 (Public Hearing Time and Notice). At a public hearing, the Board shall review the application, statements, and drawings submitted therewith and shall receive pertinent evidence concerning the Variance, particularly with respect to the findings prescribed in Section 30.8-7 (Findings).

#### Section 30.8-6: Action by the Board of Adjustment

Within forty (40) days following the close of the public hearing on a Variance application, the Board of Adjustment shall act on the application. The Board may grant, by resolution, a Variance as the Variance was applied for or in modified form, or the application may be denied. A Variance may be revocable, may be granted for a limited time period, or may be granted subject to conditions as the Board may prescribe. Upon failure to act within the prescribed forty (40) day period, an appeal may be taken to the Superior Court as prescribed in ARS §11-807.

#### Section 30.8-7: Findings

The Board of Adjustment may grant a Variance to a regulation prescribed by this Ordinance with respect to fences, walls, hedges, screening, or landscaping; site area, width, or depth; front, rear, or side yards; coverage, height of structures, distances between structures, usable open space, or frontage on a public street, as the Variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Board of Adjustment makes findings of fact that establish that the circumstances prescribed in paragraphs A, B, or C and in paragraphs D and E do apply.

- A. That the strict or literal interpretation and enforcement of the specified regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of this Ordinance.
- B. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved which do not apply generally to other properties in the same zone.
- C. That strict or literal interpretation and enforcement of the specified regulation would deprive the applicant of privileges enjoyed by the owners of other properties in the same zone.
- D. That the granting of the Variance as conditioned will not constitute the granting of a special privilege inconsistent with the limitations on other properties in the same zone.
- E. That the granting of the Variance will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.

#### Section 30.8-8: Signs: Additional Findings

The Board of Adjustment may grant a Variance to a regulation prescribed in this Ordinance with respect to signs as the Variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Board of Adjustment makes findings of fact that establish that the circumstances prescribed in Section 30.8-7 (Findings) apply and the following circumstances also apply.

**Revised: 7/89, 4/01, 3/02, 10/13**

#### Section 30.8-8: Signs: Additional Findings (Continued)

- A. That the granting of the Variance will not detract from the attractiveness or orderliness of the surrounding neighborhood or infringe on the similar rights of others.
- B. That the granting of the Variance will not create a hazard to public safety.

#### Section 30.8-9: Parking: Additional Findings

The Board of Adjustment may grant a Variance to a regulation prescribed by this Ordinance with respect to off-street parking facilities as the Variance was applied for or in modified form, if, on the basis of the application and the evidence submitted, the Board of Adjustment makes findings of fact that establish that the circumstances prescribed in Section 30.8-7 apply and the following circumstances apply.

- A. That neither present nor anticipated future traffic volumes generated by the use of the site or the uses of sites in the vicinity reasonably require strict or literal interpretation and enforcement of the specified regulation.
- B. That the granting of the Variance will not result in the parking or loading of vehicles on public streets in such a manner as to interfere with the free flow of traffic on the streets.
- C. That the granting of the Variance will not create a safety hazard or any other condition inconsistent with the objectives of this Ordinance.

#### Section 30.8-10: Appeals to Superior Court

A decision of the Board of Adjustment on a Variance may be appealed within thirty (30) days to the Superior Court by the applicant or any other aggrieved person as prescribed in ARS 11-807.

#### Section 30.8-11: Effective Date of Variance

A decision of the Board of Adjustment on a Variance shall be final thirty (30) days after the date of the decision and upon receipt by the Department of Community Development of a signed agreement to the conditions of approval, unless an appeal has been filed.

#### Section 30.8-12: Lapse of Variance

- A. A Variance shall lapse and shall become void one year following the date on which the Variance became effective unless prior to the expiration of one year, a building permit is issued and construction is commenced and diligently pursued toward completion on the site which was the subject of the variance application, or a permit is issued authorizing occupancy of the site or structure which was the subject of the variance application, or the site is occupied if no building permit or Certificate of Occupancy is required.
- B. A Variance may be renewed for an additional period of one year provided that prior to the expiration of one year from the date when the Variance or the renewal became effective, an application for renewal of the Variance is filed with the Director of Community Development.

**Revised: 7/89, 7/91, 4/01, 3/02, 10/13**

#### Section 30.8-12: Lapse of Variance (Continued)

- C. A Variance shall also lapse if the use for which the Variance is approved is terminated for a period of one year. Recommencement of the use after the one year period of inactivity shall require filing a new Variance application according to the process and requirements listed in Sections 30.7-1 through 30.7-15.

#### Section 30.8-13: Renewal of Variance

- A. A Variance subject to expiration may be renewed, provided that prior to the expiration date, an application for renewal of the Variance is filed with the Board of Adjustment.
- B. The Board of Adjustment may grant or deny an application for renewal of a Variance subject to the modification of existing conditions of approval and/or the addition of new conditions of approval. A primary consideration of renewal is compliance with conditions of approval.

#### Section 30.8-14: Revocation

Failure to comply with any of the conditions of approval is a violation of the Zoning Ordinance and may result in the revocation of a Variance. Revocation shall require a public hearing before the Board of Adjustment Commission in accordance with public notice criteria. The Board of Adjustment shall hold a public hearing within ninety (90) days of sending notice to both applicant and property owner, in accordance with the procedure prescribed in Section 30.8-5 (Public Hearing. If not satisfied that the regulation, general provisions, or conditions are being complied with, the Board may revoke the Variance or take such action as may be necessary to ensure compliance with the regulation, general provisions, or conditions. The decision may include time frames for ensuring compliance or decommissioning the project.

#### Section 30.8-15: New Application

Following the denial or revocation of a Variance application, no application for the same or substantially the same Variance on the site or substantially the same site shall be filed within one year from the date of denial or revocation of the Variance.

#### Section 30.8-16: Variance Related to Plans Submitted

Unless otherwise specified at the time a Variance is granted, it shall apply only to the plans and drawings submitted as part of the application.

**Revised: 7/89, 7/91, 4/01, 3/02, 10/13**

## Section 30.9: Interpretations

### Section 30.9-1: Purposes and Authorizations

The Board of Adjustment may interpret the Zoning Ordinance if the meaning of any word, phrase or section is in doubt, if there is a dispute over a staff interpretation or if the location of a district boundary is in doubt. Appeals to the Board of Adjustment may be taken by any person who feels that there is an error or doubt in the interpretation of the ordinance pursuant to ARS § 11-816.

### Section 30.9-2: Request for Interpretation

All requests for interpretation shall be made in writing to the Director of Community Development. Interpretations shall be submitted to the Board of Adjustment for review based on their next available calendared meeting.

## Section 30.10: Adjustments

### Section 30.10-1: Purpose and Authority

The purpose of this Section is to grant authority to the Director of Community Development to take action on requests for minor modifications or adjustments to certain requirements of this Ordinance when such requests constitute a reasonable use of property not permissible under a strict, literal interpretation of the regulations.

For the purpose of administering this Section, an Administrative Adjustment is any modification of the terms or requirements of this Ordinance, which, if granted, would allow the following:

- A. A decrease of not more than 10% of the required building site area, width or depth.
- B. A decrease of not more than 20% of the required width of a side yard or the yard between buildings.
- C. A decrease of not more than 20% of the required front or rear yard.
- D. An increase of not more than 20% in the permitted height of a fence or wall.
- E. An increase of not more than 10% of the permitted projection of steps, stairways, landings, eaves, overhangs, masonry chimneys, and fireplaces into any required front, rear, side or yard between buildings.
- F. An increase of not more than 10% of the permitted height or areas of signs.
- G. A decrease in the number of required parking spaces of not more than 10% or a decrease of one space if the total number of spaces is less than 10.
- H. An increase of not more than 10% in the maximum allowable lot coverage.
- I. An increase of not more than 10% in the permitted height of buildings.

### Section 30.10-2: Administrative Adjustment Application Requirements:

- A. The following information shall be submitted when applying for an Administrative Adjustment. The Director of Community Development may require additional information or plans, if they are necessary to enable a determination as to whether the circumstances prescribed for the granting of an Administrative Adjustment exist. The Director of Community Development may authorize omission of any or all of the plans and drawings required by this Section if they are not necessary.
  - 1. A completed Coconino County Administrative Adjustment application form including name and address of the applicant, contact person, phone number, fax number and email address for contact person, Assessor's Parcel Number, Subdivision/unit/lot number, site address/location, zoning, existing land use, lot size, description of the request, property owner's authorization by their signature and permit fee.

**Revised: 10/86, 7/89, 4/01, 3/02, 10/13**



#### Section 30.10-2: Administrative Adjustment Application Requirements: (Continued)

2. Two copies of a site plan drawn to scale using accurate dimensions showing any adjacent property affected, all existing and proposed property lines, locations of structures, parking areas, driveways, other improvements or facilities and landscaped areas.
3. Other plans, drawings, or information which the Director deems necessary to enable proper consideration of the application.
4. If the request is for a setback reduction, a letter approving the adjustment from the affected adjacent property owner.
5. If the request is for a height adjustment, building elevations and/or cross sections with detail on existing grade shall be provided.

#### **B. Administrative Adjustment timeframes pursuant to ARS § 11-1605 are as follows:**

1. Administrative completeness shall be determined within 30 calendar days of the submittal of a administrative adjustment application. Applicants will be notified in writing of an incomplete application with a list of deficiencies. Notice in writing of application deficiencies shall suspend the administrative completeness timeframe until such time as all deficiencies have been addressed.
2. Substantive review of all Administrative Adjustment applications shall be completed within 30 calendar days from the determination that the administrative adjustment application is administratively complete. One written request for additional information may be made to the applicant during this review process unless the applicant agrees to additional requests for information.
3. The total time frame for the granting or denying of an administrative adjustment is 60 days.
4. Timeframes are tolled and may be extended in accordance with A.R.S. §11-1601 et seq.

#### **C. Issuance of Administrative Adjustments shall comply with the following:**

1. Administrative Adjustments shall be issued when compliance with this Ordinance is verified. If the Community Development Director determines that the proposed Administrative Adjustment does not comply with this Ordinance, the permit shall be denied.
2. No Administrative Adjustment shall be issued if the adjustment is in Violation of other laws or impairs property rights. The Director of Community Development will determine if the Violation or impairment exists with appeal to Superior Court.

#### Section 30.10-4: Findings

In granting an Administrative Adjustment, the Director of Community Development shall make findings of fact that establish that the circumstances necessary for granting a variance by the Board of Adjustment, as prescribed in Section 30.8-7 (Findings) do apply.

**Revised: 10/13**

#### Section 30.10-5: Site Area: Additional Findings

In order to grant approval of an Administrative Adjustment allowing a reduction in minimum site area the Director must make the following additional finding:

- A. That the property cannot otherwise meet the minimum site area requirement of its current zoning classification.

#### Section 30.10-6: Decision of Director

If the Director of Community Development denies an application for an Administrative Adjustment, or, if the applicant disagrees with the conditions imposed on the granting of an Administrative Adjustment, if any, the applicant may file for a Variance in accordance with Section 30.8 (Variances).

## Section 30.11: Substantive Policy Statement

### Section 30.11-1: Purpose and Authority

Substantive policy statements are written expressions intended to inform the general public of the department's current approach to, or opinion of, the requirements of the federal or state constitution, federal or state statute, administrative rule or regulation, or final judgment of a court of competent jurisdiction, including, where appropriate, the agency's current practice, procedure or method of action based upon that approach or opinion. A substantive policy statement is advisory only and does not include internal procedural documents which only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties, confidential information or rules made in accordance with this Ordinance.

### Section 30.11-2: Adoption

Substantive policy statements are adopted at the discretion of the Community Development Director. All substantive policy statements are reviewed on an annual basis and updated as required.

### Section 30.11-3: Access

Substantive policy statements are available for inspection at the Community Development office or on the Coconino County website.

### Section 30.11-4: Format

All substantive policy statements shall include the effective date, policy number, title, purpose, background, policy statement, and information pertaining to the approval of the substantive policy statement and any previous substantive policy statements affected or revised by the new substantive policy statement.